

GOVERNMENT OF TELANGANA
ABSTRACT

LANDS – Hyderabad District – Nampally Mandal –Transfer of Rights/ Regulation of encroached Government land to an extent of 3831 Square yards in T.S.No.40, Block "C", Ward No.198 of Thotaguda(Village), Nampally Mandal – Cancellation - Common Orders – Issued

REVENUE (ASSIGNMENT.II) DEPARTMENT

G.O.MS.No. 40.

Dated:15.04.2015.

Read the following:-

1. The Collector, Hyderabad in his Lr.Nos.R1/18602/2008; R1/18603/2008 and R1/18604/2008, Dated:04.12.2008.
2. The CCLA, AP, Hyd., Lr.No.BB2/2214/2008, Dated:12.01.2009; and No.BB2/2413/2008 and No.BB2/2412/2008, Dated:31.12.2008.
3. G.O.Ms.Nos.627, 628 and 629, Revenue (Assn.III) Department, Dated:24.06.2009.
4. Andhra Jyothi Daily News paper Dated:27.06.2009.
5. **Govt.Memo.No.2309/Assn.III(2)/2009-1, Rev. Dept., Dated:29.06.2009.**
6. The Hon'ble High Court orders Dated:22.08.2014 in W.P.M.P.No.7408 of 2014 in W.V.M.P. No.4810 of 2011 in W.P.No.16525 of 2010.
7. **The Collector, Hyderabad in Lr.No.R1/18603/2010, Dated:26.09.2014.**
8. The CCLA, TS, Hyd., Lr.No.Assn.I(1)/1390/2009, Dated:27.12.2014.
9. Govt.Memo.No.2309/Assn.II(1)/2009, Rev. Dept., Dated:09.03.2015.
10. **The CCLA, TS, Hyd., Lr.No.Assn.I(1)/BBB2/1390/2009, Dated:30.03.2015.**
11. Explanation of Sri A. Ramesh, S/o Late A. Balaram; A. Lakshmi, W/o Late A. Venkatesh; A. Bhageshwar, S/o Late A. Venkatesh; A. Prathap, S/o A.Venkatesh; A. Pratap, W/o Late A. Krishna; A. Balraj, S/o Late A. Krishna and A. Vijaya Lakshmi, D/o A. Krishna Dated:02.04.2015.

O R D E R : -

The District Collector, Hyderabad in his letters 1st read above addressed to the Chief Commissioner of Land Administration, A.P., Hyderabad, among others has reported that S/Sri A. Venkatesh, A. Ramesh and A. Krishna (applicants), all are S/o A. Balaram have applied for transfer of rights (under G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.02.2008) for total extent of 3831 Square Yards (i.e., for 1277 Square yards each) of premises bearing Nos. 5-1-513/3, 5-1-513/4, 5-1-513/4, Putlibowl, falling in T.S. No. 40, Block-C, Ward No.198 of Thotaguda Village which is recorded as Abadi in Column No.10 and 'G' ENT Hospital (PWB) in Col No.20 of Town Survey Land Register (TSR). On verification of the copies of Document No. 1261 of 1965, Deed of Grant of land in lieu of services, copy of Original Suit No. 419 of 1976 etc., produced by the applicants and on the statements given by them that the land is in their occupation since long time and they are paying municipal tax, the I.S. No. 75/2007 in OS No. 23/2007 was finally decided in their favour on 08.03.2007 granting permanent injunction till the disposal of the main suit i.e O.S. No. 23/2007. The District Collector has further reported that the land was inspected by the District Level Committee and placed the matter in the meeting held on 03.11.2008.

2. On the above proposal, the Chief Commissioner of Land Administration, in his letters 2nd read above has requested the Government for issue of necessary orders in the matter, stating that the proposal was placed before the Regularization Committee constituted vide G.O. Ms. No. 370, Revenue (Assn.POT) Department, dated 19.3.2008, for regularization in favour of the applicants on payment of Rs.96,62,757/- (Rupees ninety six lakh sixty two thousand seven hundred and fifty seven only) each.

p.t.o.

3. Therefore, the Government have permitted the Chief Commissioner of Land Administration / the Collector, Hyderabad to transfer the rights of the said Government land in favour of the applicants under the policy guidelines issued in G.O. Ms. No. 166, Revenue (Assn.POT) Department, Dated:16.02.2008 on payment of required amounts as per G.O. Ms. No. 1230, Revenue (Assn.POT) Department, Dated:23.10.2008, vide G.O.Ms.Nos.627,628 and 629, Revenue (Assn.III) Department, dated:24.06.2009.

4. In the reference 4th read above, a press clipping alleging that several crores of land situated at back-side of the ENT Hospital, Koti, Hyderabad has been regularized by deviating the orders issued in G.O.Ms.No.166, Revenue (Assn.POT) Department, dated:16.02.2008.

5. Therefore, the Chief Commissioner of Land Administration was requested to send a detailed report in the matter and the G.O. Nos.627, 628 and 628 Revenue (Assn.III) Department, dated:24.06.2009 were kept in abeyance, vide reference 5th read above.

6. In the reference 6th read above, the Hon'ble High Court passed the following orders Dated:22.08.2014 in WVMP No.7408/2014 in WVMP 4810/2011 in WP No.16525/2010 that :-

"In WP No.16525 of 2010, Memo No.2309/Assn.III (2)/2009-I, dated 29.06.2009, keeping in abeyance G.O.Ms.Nos.627, 628 and 629, Revenue (Assn.III) Department, dated 24.06.2009, is the subject matter of challenge. A perusal of the said memo makes it clear that pending receipt of report from the Chief Commissioner of Land Administration, the same has been issued as an interim measure. On the last occasion, when the matter had come up, learned Government Pleader was directed to obtain instructions from the 1st respondent-Government as to whether any further orders are passed or not, pursuant to the memo dated 29.06.2009. When the matter is taken up, on instructions, it is submitted that no orders have been passed yet. In the counter-affidavit filed by the Principal Secretary to Government, Revenue (Assignments. III) Department, it is stated that in view of pendency of the matter before this Court, no further orders are passed.

As the memo dated 29.06.2009 is issued as an interim measure, pending receipt of report from the Chief Commissioner of Land Administration, respondents-authorities are directed to pass appropriate orders, in continuation of the memo dated 29-06-2009 by addressing various issues which fall for consideration, as expeditiously as possible, preferably within six weeks from the date of receipt of this order."

7. In the reference 7th and 8th read above, the Collector, Hyderabad and the Chief Commissioner of Land Administration, T.S. Hyderabad has reported that the certain issues were not taken into consideration while sending the proposals in the matter and while giving details of the case recommended for cancellation of G.O.Ms.Nos.627, 628 and 629 Dated: 24.06.2009 stating that the subject land is very much needed for Government ENT Hospital for establishment of new building for OP block, diagnostic block and staff quarters as the existing old building is not fit to use for the patients and the roof is leaking in all most all the areas.

8. Therefore, while enumerating the circumstances, Government in the reference 9th read above have instructed the Chief Commissioner of Land Administration, T.S. Hyderabad to issue show cause notices to (1) Sri A. Venkatesh, S/o A. Balaram, (2) Sri A. Ramesh, S/o A. Balaram, (3) Sri A. Krishna, S/o A. Balaram directing them to show cause as to why the G.O.Ms.Nos.627, 628 and 629, Revenue (Assn.III) Department, dated:24.06.2009, should not be cancelled, within 10 days from the date of receipt of this notice, otherwise, it would be construed that there is no explanation.

9. In reply to the Show Cause Notices served by the Chief Commissioner of Land Administration, T.S. Hyderabad vide reference 10th read above, Sri A. Ramesh, S/o Late A. Balaram; SmtA. Lakshmi, W/o Late A. Venkatesh; A. Bhageshwari, S/o Late A. Venkatesh; A. Prathap, S/o A. Venkatesh representing late A. Venkatesh, S/o A. Balaram; A. Pratap, W/o Late A. Krishna; A. Balraj, S/o Late A. Krishna and A. Vijaya Lakshmi, D/o A. Krishna representing late A. Krishna, S/o A. Balaram have given explanation in the reference 11th read above, wherein among others they've stated that, in the year 1945, in view of the services rendered by late Balram as gardener late Raja Pratap Giriji gifted him some land in Koti locality under a deed Dated 26th Amardad 1354 Fasli (1945). Since then i.e., 60 years they are living there.

10. They have explained that, with reference to the interference of the A.P. State Coop Bank Ltd., with the subject land when Sri Balam and others filed O.S.No.524/1972 & O.S.No.586/1978 in the City Civil Court, Hyderabad, the Court by its common judgment dated:31.07.1982 dismissed the O.Ss filed by them. The Hon. High Court also dismissed their appeals CCCA.224/1982 etc., vide its judgment dated:22.03.1996 aggrieved by the judgment they preferred LPA No.14/2003 etc., before the Hon. High Court and the same is pending.

11. Further, they have submitted that, with reference to the interference of the A.P. Medical and Housing and Infrastructure Development Corporation with the subject land when they have filed O.S.No.23/2007 etc, the III Junior Civil Judge, City Civil Court, Hyderabad dismissed them. Aggrieved by the same, they filed AS Nos.45 & 46 of 2013 before the Court of the III Additional Chief Judge, City Civil Court, Hyderabad and the same are reserved for judgment.

12. They have also explained the circumstances i.e., enquiry by the Mandal Revenue Officer, report of the Collector, Hyderabad and recommendations of the Chief Commissioner of Land Administration, T.S. Hyderabad upon which the Government have regularized their possession vide G.O.Ms.No.627, 628 and 629, Rev. (Assn.III) Dept., dated:24.06.2009 w.r.t. the G.O.Ms.No.166, Rev.(POT) Dept., dated:16.02.2008.

13. Finally, they have stated that cancelling the said GOs on the later adverse news, reports of the Collector / Chief Commissioner of Land Administration, T.S. Hyderabad is wholly unjustified and requested to drop all further proceedings and not to allot the land to any third party including ENT Hospital. If the Government chooses to take any adverse decision in the matter, they have requested to offer them a prior personal hearing.

14. However, they have not submitted any valid material with reference to their claim over the said land.

15. Therefore, Government after careful examination of the circumstances of the case and after considering the explanation submitted by i) Sri A. Ramesh, S/o Late A. Balaram; A. Lakshmi, W/o Late A. Venkatesh; A. Bhageshwari, S/o Late A. Venkatesh; A. Prathap, S/o A. Venkatesh; A. Pratap, W/o Late A. Krishna; A. Balraj, S/o Late A. Krishna and A. Vijaya Lakshmi, D/o A. Krishna found no merits in their request and in the light of the reports submitted by the Collector, Hyderabad and the Chief Commissioner of Land Administration, TS, Hyderabad is hereby cancel the orders issued in G.O.Ms.No.627, 628 and 629, Rev. (Assn.III) Dept., Dated:24.06.2009 on the following grounds:-

- i. That, Sri Raja Pratap Giriji mortgaged the said property i.e., Koti Naraingiri commonly known as Koti Pratap Giriji with the open land to Minister Finance, Government of Hyderabad by taking Loan vide deed Dated:12.08.1931. The Paigah authorities of the Nizam advanced a sum of Rs.4.40 Lakhs to him.
- ii. Sri Raja Pratap Giriji has offered to sell and alienate the entire extent of land except 4596 sq. yards on 21st For-war, 1346-F Koti to Government for a consideration of Rs.7.7 Lakhs. The Government agreed to purchase the Koti as per the agreement Dated: 22.03.1937. Accordingly Government advanced a further sum of Rs.2.00 Lakhs. As he did not fulfill the terms of agreement to sell the property, the Government filed a suit against him for specific performance of the under taking in the High Court of Hyderabad.

- iii. On various litigations stated by him in courts, the lower court has passed decree on 08.12.1353 Fasli in favour of Government.
- iv. Sri Raja Pratap Giriji has approached the High Court in CA 148 of 1354F which was dismissed by Hyderabad High Court on 08.13.1954 confirming decree passed by the Lower Court.
- v. The Raja Pratap Giriji has approached the Hon'ble Supreme Court in CA 627/1962 which was dismissed by Hon'ble Supreme Court on 14.09.1964. Finally he is declared as Judgment debtor and died interestate.
- vi. Consequently for the said property a sale deed was executed by Sri B Srinivas Rao, the Second Additional Chief Judge, City Civil Court Hyderabad in favour of Government vide document No.1261 of 1965 of Book -I Vol. 110 page 466 Dated: 27th April 1965 for an extent of 33455 sq. yards. No material evidence was placed before the Court that 33455 Sq.Yards was only given to the Government. Hence it is deemed that the entire 38501 Sq.Yards was handed over in favour of Government.
- vii. As per the Revenue Records the land is recorded as "G-ENT" it means it is a Government land. The documents produced by the applicant claiming the title is of the year 1965. The applicant did not provide any evidence that they have raised any objection within three years of Gazette publication of TSLR claiming that it is a private land u/s 13 of AP S&B Act, 1923.
- viii. The Government vide G.O.Ms.No.375 (Health Housing and Municipal Administration) Department, Dated: 09.02.1965 have decided that the said land to be placed at the disposal of Medical Department for the purpose of ENT Hospital.
- ix. The Government vide G.O.Ms.No. 632 Revenue (G) Department Dated:05.05.1982 has allotted 1000 Sq. meters of land out of South West Corner of ENT Hospital, available on the other side of Putlibowl, Bank Street, now link road, to the AP Civil Asst. Surgeons association for construction of Office, Medical Library and Guest- House.
- x. In the year 1991 Sri Ramachander Alias A. Ramesh S/o. Sri A. Balaram of Jai Sai Krishna society filed O.S.No. 3476 of 1991, 19th Junior Civil Judge City Civil Court, Hyderabad claiming land of 350 sq. Yards of belonging to ENT Hospital.
- xi. The above Petition was dismissed by the 19th Civil Judge, City Civil Court, Hyderabad on 18.01.1999 as there was no document proof for the claims of the petitioner. He has filed appeal AS. No.59/1999 before 10th Additional Chief Judge fast track Court City Civil Court, however, the court has dismissed the appeal on 11.09.2001 on the ground that there are no documents to establish the title of plaintiff and there are no link documents and held that the land belongs to Superintendent of ENT Hospital, Koti, Hyderabad and the petitioners are suppressing the fact that there is case pending in Hon'ble High Court in CMP No. 30272/2003 and SA No. 1357/2003 and interim Orders are obtained after suppression of these facts.
- xii. All the above clearly show that these individuals are resorting to the benefit of the matter by suppressing the above facts and giving misleading information to the Government.
- xiii. The request of the ENT Hospital in terms of expansion and future needs is not properly assessed by the Committee. The Superintendent of ENT Hospital was not consulted by the District Level Committee whereas it is necessary to do as per the clause.No.7 mentioned in G.O.Ms.No.370 Revenue (Assn.POT) Department, Dated:19.03.2008 since the land in question is under the custody of Superintendent, ENT Hospital.
- xiv. Due to the above lapse of the DLC, there was a public outcry in the press and voiced by public representatives against the said regularization
- xv. As per Clause 10 (J&K) of G.O.Ms.N.166 Revenue (Assn.POT) Department, Dated: 16.02.2008, if the site is required for public purpose and lands which in opinion of the Committee are highly valuable cannot be considered for transfer.
- xvi. The subject land is very much needed in the larger public interest to the Government for establishment of new building for OP block of ENT Hospital, diagnostic block and staff quarters, as the existing old building is not fit to use for the patients as the roof is leaking in all most all the areas and may cause hazardous of public life / properties thereby.

16. The Collector, Hyderabad / the Chief Commissioner of Land Administration, T.S. Hyderabad shall take necessary further action in the matter to:-

- i. return the amounts of Rs.96,62,757/- (Rupees ninety six lakhs sixty two thousand seven hundred and fifty seven only) each paid by S/Sri A. Venkatesh, A. Ramesh and A. Krishna (applicants), all are S/o A. Balram in the matter to them/ their legal heirs; and
- ii. Resume the land and hand over to ENT Hospital.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

B.R.MEENA
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Chief Commissioner of Land Administration, TS, Hyderabad.
The Collector, Hyderabad District.
The Health, Medical and Family Welfare Department, TS Secretariat, Hyderabad.
The Superintendent, E.N.T. Hospital, Hyderabad.

Copy to:-

The P.S. to Hon'ble Deputy Chief Minister (Revenue)
The P.S.to Principal Secretary to Government (Revenue)
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER.